

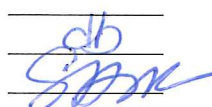
EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

A Resolution Establishing a
Policy Relating to Compliance
with the Public Records Act

<u>8/31/16</u>	Briefing
_____	Proposed Action
_____	Consent
<u>9/7/16</u>	Action
_____	First Reading
_____	Second Reading
_____	Third Reading
_____	Public Hearing
_____	Budget Advisory

COUNCIL BILL #	_____
Originating Department	<u>Finance</u>
Contact Person	<u>Susy Haugen</u>
Phone Number	<u>X8612</u>
FOR AGENDA OF	<u>8/31/16</u>

Initialed by:
 Department Head _____
 CAA _____
 Council President 

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u> Resolution	<u>Department(s) Approval</u> Legal
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Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

City Council adopted Ordinance #2367-99 on February 10, 1999, establishing rules and regulations relating to the City's administration of the Public Records Act. Since that time, the volume and scope of public records requests have grown substantially, which, in turn, increased the complexity of maintaining compliance with the Act. The proposed policy provides additional detail and guidance regarding the City's administration of public records requests, and clarifies the City's processes to assist the public in obtaining public records.

RECOMMENDATION: Adopt A Resolution Establishing a Policy Relating to Compliance with the Public Records Act



RESOLUTION NO. _____

A Resolution Establishing a Policy Relating to Compliance with the Public Records Act

Whereas, the Public Records Act requires the City to adopt and enforce reasonable rules and regulations to provide full public access to public records; and

Whereas, this Resolution provides policy and procedures for responding to and fulfilling requests for disclosure of public records in accordance with the Act; and

Whereas, this policy also includes information to assist the public in accessing public records; and

Whereas, this policy serves as an extension of the rules and regulations established in EMC Chapter 2.92;

NOW, THEREFORE, THE CITY COUNCIL HEREBY RESOLVES THE FOLLOWING:

Section 1:

1.0 General

The City is required by Chapter 42.56 RCW (the Public Records Act) to adopt and enforce reasonable rules and regulations to provide full public access to public records. This policy and procedure complies with the requirements of the Public Records Act by providing for consistent and predictable practices for responding to and fulfilling requests for public records in a manner consistent with the Act.

The policy portion of this document clarifies the City's goals and intent with respect to providing access to public records. The procedure portion of the document describes the process for requesting and fulfilling public records requests in keeping with legal requirements.

This policy includes statutory requirements and best practices. Nothing in this policy is intended to create legal obligations or rights beyond those obligations and rights created by statute or other binding laws.

Section 2:

2.0 Definitions

For the purpose of this policy, the following definitions apply:

2.1 “All records relating to,” “all records regarding,” or “all records pertaining to” means those records that directly and fairly address the topics that are reasonably identifiable by the Records Liaison fulfilling the request. These phrases are inherently ambiguous and requestors are encouraged to avoid using such terms when possible to avoid unnecessary delays.

2.2 “City of Everett” means the City of Everett, Washington. The City of Everett is a general purpose governmental entity that provides the full range of municipal services allowed by statute or charter. These services include police, fire, emergency medical, street maintenance, planning and zoning, libraries, parks and recreation, and general administrative services. In addition to its general government services, the City operates five enterprises: water and sewer utility, solid waste (recycling) utility, two golf courses, a transit system, and a parking garage.

2.3 “Court records request” means any request for Everett Municipal Court records. Everett Municipal Court records are exempt from the Public Records Act and are subject to release directly through the Everett Municipal Court under General Rule 31.1.

2.4 “Exempt record” means records or portions of records that are exempt from public disclosure. Exemptions include those identified in the Public Records Act or in other statutes incorporated by RCW 42.56.070. Exemption from disclosure of a portion of a record does not automatically exempt the remainder of the record from disclosure. Exempt portions of records may be subject to redaction.

2.5 “Public record” means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. Electronic data, including e-mail, that meet this definition shall be considered a public record. Records created or received by employees using non-city devices only meet the definition of public record if the employee was acting within the scope of employment when the record was created or received.

2.6 “Public records request” means a request made to the City of Everett pursuant to the Public Records Act for disclosure of public records. Requests for public records made pursuant to other statutory rights of access to public records shall not be considered “public records requests” but may be otherwise handled under this policy.

2.7 “Public Records Liaison” and “Records Liaison” means the person or persons designated by a department director or designee to accept, track by log, and arrange for fulfillment of requests for disclosure of public records within a City department.

2.8 “Public Records Officer” means the City Clerk or designee.

2.9 “Record holder” means the department or particular staff person in custody of a primary record.

2.10 “Requestor” means the individual making the request for disclosure of public records by submitting an official public records request.

Section 3:

3.0 Policy

3.1 General

Public records maintained by the City of Everett are and remain the property of the City. It is the policy of the City of Everett to provide access to public records in accordance with the requirements of Chapter 42.56 RCW. Procedures governing access to public records shall ensure access to public records without discrimination to persons requesting access to records and shall provide appropriate safeguards for information exempted from or prohibited from disclosure by statute.

In order to fully assist the public in requesting public records, the City shall encourage the use of available electronic resources whenever possible for accessing, requesting, and fulfilling requests for public information, including use of email and provision of information on the City’s website.

3.2 Public Records Officer

The City Clerk shall serve as the Public Records Officer of the City of Everett. The City Clerk may appoint a designee to fulfill the responsibilities of the Public Records Officer.

The Public Records Officer shall oversee compliance with the Public Records Act throughout the City by serving as a point of contact for City staff and members of the public seeking access to public records; however, not every request must be addressed to the Public Records Officer, nor is it intended that every request be reviewed by the Public Records Officer prior to fulfillment. In the interest of providing effective access to public records, the Public Records Officer may refer parties requesting public records to an appropriate department Records Liaison as appropriate.

The Public Records Officer shall maintain a list of department Records Liaisons who are designated to accept and fulfill requests for disclosure of public records on a regular basis, and shall provide advice and instruction to Records Liaisons and other staff members regarding fulfillment of such requests.

The Public Records Officer shall distribute updates on laws, legal precedents, and policy changes affecting fulfillment of records requests, as appropriate, and shall approve all forms for requesting and responding to requests of public records.

3.3 Public Records Liaisons

There shall be a network of Records Liaisons with representatives in every department of the City to assist the public in obtaining access to public records. Each department director shall designate at least one Records Liaison and one backup Records Liaison. Each department will inform the Public Records Officer of all Records Liaisons and designated backups.

Under the oversight of the Public Records Officer, Records Liaisons may accept requests for public records in the possession of their respective departments and may respond to requestors in accordance with the requirements of state statutes and this policy and procedure.

In consultation with the Public Records Officer, Record Liaisons may communicate directly with requestors, forward requests to other City employees as necessary, compile requested records, arrange for the supervised public inspection and copying of requested records, maintain files and logs of official requests fulfilled by them, and provide periodic statistical reporting of disclosure activity to the Public Records Officer.

3.4 Police Records Unit

The coordination, tracking, and fulfillment of requests for police records are the responsibility of the Police Department. The Public Records Officer will serve as an advisor to the Police Records Liaisons, but will not provide oversight of the fulfillment process.

3.5 Public Records Requests

Requests for public records should be made in writing. The City shall provide an official form for submission of public records requests. Forms for the purpose of requesting public records shall be approved by the Public Records Officer for general use by City staff. These forms shall not be edited for distribution without the approval of the Public Records Officer. As needed, the Public Records Officer may approve alternate request forms that are specialized for request of records with unique statutory considerations, such as law-enforcement records.

Acceptance of requests by means other than on official forms approved by the Public Records Officer shall be in accordance with the procedures outlined in this policy and procedure.

3.6 City Response

Staff shall respond promptly to requests for public records in accordance with the requirements of RCW 42.56.520 and this policy and procedure. **The deadline for initial response to the records request is five (5) business days after receipt of the request.** Business days do not include weekends or City holidays.

Initial and final responses from staff to official requests for public records shall be made in writing and may be by fax, letter, notation on a request form, or e-mail. Staff may ask for clarification of a request in order to properly identify the records being requested. Clarification of requests may be obtained in writing or verbally.

All requests for public records shall be afforded the same treatment and consideration, without distinction among persons, and without regard to the intent of the request.

To reduce proliferation of paper copies and in the interest of efficiently and expeditiously responding to requests for disclosure of public records, the Public Records Officer and Records Liaisons are encouraged to use electronic means to respond to, fulfill, and track records requests.

This policy shall not obligate staff to create electronic or other records, or to convert electronic records into a format or medium in which the records are not already maintained. When asked by a requestor to convert an electronic record into a different format, staff is encouraged to do so when reasonable and technologically feasible, provided such conversion is not unduly burdensome and does not interfere with other essential City functions. Requestors may request paper copies of electronic records subject to applicable copying charges adopted by the City.

Responses to requests of public records, including responses by electronic mail, become public records in their own right, subject to the provisions of the Public Records Act and the retention requirements of the Office of the Secretary of State, and shall be maintained accordingly.

3.7 Exemption

The Public Records Act and other statutes exempt from or prohibit disclosure of certain public records. It is the policy of the City of Everett to provide prompt and helpful access to all public records in the City's custody that State statutes do not exempt or prohibit from disclosure. Requested records may only be withheld or redacted consistent with statutory requirements, which shall be documented for the requestor in accordance with the requirements of RCW 42.56.210.

Some public records that are otherwise subject to disclosure may contain specific content that is exempt from disclosure. The presence of exempt information does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted prior to inspection or copying and such redactions shall be documented. The requestor shall be notified of the redaction in accordance with the requirements of RCW 42.56.210.

The following are summaries of common exemptions relied upon by the City. Note, the City reserves the right to assert any exemptions permitted by law when the City determines non-disclosure serves the public interest and is not limited to the exemptions listed below:

- 3.7.1 Records that are protected by trade secrets law (RCW 19.108);
- 3.7.2 Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by the City within five years of the request for disclosure when disclosure would produce private gain and public loss (RCW 42.56.270 (1);
- 3.7.3 Personal information in files maintained for council members and City employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, driver license numbers, voluntary deductions, marriage status, information about dependents, and any garnishment deductions (RCW 42.56.230(3) & .250(3));

- 3.7.4 Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the City in connection with any City action (RCW 42.56.280);
- 3.7.5 All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant (RCW 42.56.250(1));
- 3.7.6 Records in investigative files, including police and code-enforcement investigations, to the extent that nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240(1));
- 3.7.7 Identifying information for victims or witnesses of crimes under certain circumstances (RCW 42.56.240(2) & (5));
- 3.7.8 Records created in anticipation of litigation (RCW 42.56.290); or
- 3.7.9 Records reflecting communications between attorneys and City employees where legal advice is sought or received (RCW 5.60.060(2)).

3.8 Broad Requests and Installments

When a request that appears to be broad in nature is received, staff shall request clarification from the requestor to ensure that the appropriate records are identified. Clarification shall focus on information needed to identify responsive records. Any information provided about the purpose of the request shall not be used as a basis for denying the request.

When appropriate, as part of the clarification process, staff may work with the requestor to find ways to narrow the request. When a requestor agrees to narrow a request, nothing prevents the requestor from later expanding the request back to its original scope.

Large or complex requests may be fulfilled through an installment process as described in this policy and procedure. When installments are provided and are not claimed or inspected, the City may postpone compilation of later installments or treat the request as abandoned and closed. In such cases, staff shall consult with the Public Records Officer before postponing compilation of an installment.

Section 4:

4.0 Procedure

4.1 Applicability

This policy and procedure shall apply to all employees of the City of Everett, the Everett Elected Officials, and all advisory boards and commissions of the City of Everett. This policy and

procedure does not apply to responses to legal discovery requests governed by State or Federal Rules of Civil Procedure.

4.2 Public Records Officer

The Public Records Officer shall oversee the City's compliance with the Public Records Act and shall serve as primary point of contact for public records access. The Public Records Officer shall have the following responsibilities:

- Oversee compliance with disclosure laws;
- Serve as primary point of contact for the public for access to public records;
- Serve as a single point of contact to coordinate the City's response when a request involves multiple record holders, is broad in scope, or is otherwise complicated to fulfill;
- Direct the public to appropriate Records Liaisons in possession of particular records;
- Serve as a resource to staff on topics related to disclosure of public records;
- Maintain a list of department Records Liaisons;
- Consult with Records Liaisons and other staff about fulfillment of records requests;
- Approve forms for use in processing records requests;
- Disseminate legal updates and policy changes affecting records requests;
- Collect and analyze relevant information related to the City's performance of public records disclosure; and
- Maintain the City of Everett Public Records webpage.

Current names and contact information for all Records Liaisons and backups shall be provided by City departments to the Public Records Officer.

4.3 Form of Request

It is recommended that requests for public records be made in writing using the City's approved submittal form. Requests shall include, at a minimum, the following information:

- An indication that the request is being made for access to a public record pursuant to the Public Records Act;
- The requestor's name, address, and convenient means of contact such as email address, phone number, fax, etc.;
- The date of the request;
- A description of the records requested sufficient to identify the records;
- Whether the requester wants to inspect records or wants copies.

When paper copies are requested, the requestor should also indicate if they wish to be contacted by the City if copy costs will exceed twenty dollars (\$20.00).

Written requests submitted by mail, email, fax, personal delivery, or other means should include a completed request form. When a written request is received that does not include a completed request form or the information listed above, staff may ask the requestor to complete and submit a form to obtain information needed to identify records or respond effectively. In cases where a requestor refuses to submit a request form, staff shall transcribe the request for the requestor, ask the requestor to verify in writing that it correctly memorializes the request, and consult with the Public Records Officer to ensure an appropriate response.

Receipt by Staff

Records requests may be accepted by any department staff person under the general direction of the Public Records Officer. Such requests shall be receipt stamped or dated on the face of the request and forwarded to the Public Records Officer by electronic means. If the staff person does not have the immediate capability to forward the request to the Public Records Officer, the staff member shall inform and provide the supervisor or Records Liaison with the request for immediate transmittal to the Public Records Officer.

Until the Public Records Officer provides confirmation, the request is the responsibility of the department supervisor or Records Liaison.

Unnoticed Requests

It is the requestor's obligation to provide the City with fair notice that a Public Records Act request has been made. When a requestor does not use an official request form, or makes a request to an employee who is not a Records Liaison or the Public Records Officer, or includes a request as part of other documents provided to the City for reasons other than making a Public Records Act request, the requestor may not be providing fair notice to the City. To ensure fair notice is provided, requestors are encouraged to use official forms, make the request through the Clerk's office, and/or take other steps to clearly identify their request. For example, when a request is submitted with other documents not related to disclosure of public records, it shall be the responsibility of the requestor to provide reasonable notice that a public record request is included. This notice may be in the form of an entry on a cover or transmittal sheet.

Lists of Individuals

Requests for disclosure of public records that include lists of individuals require a signed certification by the requestor that such lists shall not be used for commercial purposes. A certification provision is included on the City's official records request form. The Public Records Officer may do research to confirm that the request is not for commercial purposes.

4.4 Personnel and Employment Records

All personnel and employment records must be reviewed by the Human Resources Department prior to release.

4.5 Police Records

The Public Records Officer shall transfer all requests for police records received by the City Clerk's Office or other City departments to the Police Department and document the transfer.

The Public Records Officer will also provide the requestor with information confirming the transfer and contact information. The Public Records Officer will log all transferred requests with notation and date of transfer.

Once transferred, coordination, tracking, and fulfillment of the request becomes the responsibility of the Police Department and no further oversight or action will be required of the Public Records Officer. The Police Department shall maintain files and tracking logs for all Police requests as required by this policy and procedure. Requests that encompass both Police Department records and records in other departments shall be treated as separate requests.

4.6 Municipal Court Records

Although not covered under the Public Records Act or under this policy and procedure, any records request received by Everett Municipal Court for other City department records shall be forwarded to the Public Records Officer immediately upon receipt.

4.7 Five (5) Day Response

The five-day (5) response period begins on the business day immediately following receipt of the request. Business days do not include weekends or City holidays.

The initial response to the requestor will be made within five (5) business days of receipt of a request, shall acknowledge receipt of the request, and may take one of the following forms:

- When possible, the initial response may include the requested records.
- If the record requested is available via the City website, staff may provide a direct link to the requestor to the online document. This option should not be used if the requestor has requested a hard copy of the document, unless the requestor expressly agrees to accept the link in lieu of a different format. Appropriate care shall be taken to ensure that this option is not mistaken as a refusal to provide the requested record in paper or other approved format.
- An initial response may ask for clarification or refinement of the request if needed to identify the record requested.
- An initial response may indicate that the City does not have records responsive to the request.
- If the City does not have records responsive to the request, the initial response may direct the requestor to another agency believed to have the records requested.
- If the initial response does not include copies of the requested records, the City shall provide a reasonable estimate of when the request can be fulfilled. When providing a reasonable estimate of time required to fulfill a disclosure request, the Records Liaison may take into account the time required to refine or clarify a request, locate or retrieve requested records, redact or withhold exempt records and create associated documentation, consult with appropriate staff regarding potential exemptions, and notify third parties or other agencies of requests for information of a sensitive nature consistent with the provisions of RCW 42.56.540.

- An initial response may propose fulfilling large or complicated requests on an installment basis and provide an estimated time frame for preparation of the first installment.
- An initial response may be a written denial of the request based on exemptions under Washington State Law.

Records Liaisons must respond to the Public Records Officer within two (2) business days as to whether the records can be provided within five (5) business days or provide an estimated date for fulfillment if to exceed five (5) business days.

Records liaisons shall advise department record holders of the five-day response deadline when forwarding records requests and consult with record holders when estimating the fulfillment date.

4.8 Locating Responsive Records

Staff shall make a reasonable effort to identify and locate any and all responsive records. When identifying records, the Records Liaison or Public Records Officer may ask the requestor for clarification or refinement of the request. Such clarifications may be verbal or in writing. In the case of verbal clarifications, staff involved in the conversation shall document the clarification in writing and include the information in the request file. Staff shall not conclude that a request is overly broad or does not adequately identify the records requested without attempting to obtain clarification from the requestor.

Records Liaisons and staff are not required to create new records in response to a request for public records, but shall when deemed feasible, tailor existing informational databases or indexes to provide a report responsive to a request that otherwise would not be produced in the normal course of business. The determination of the feasibility of creating such reports shall take into account the ability to redact or withhold exempt information. When the production of a tailored report requires additional resources such as customized programming or fact-specific analysis, or would otherwise interfere with other essential functions, the City is not required to produce such tailored reports but should instead consult with the requestor.

The City is only required to provide records that exist at the time a request is made – the City cannot fulfill “standing” requests or requests for records that may be created at a future date.

Fulfillment of requests shall be processed in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later.

4.9 Immediate Provision or Inspection of Records “Over the Counter”

Staff may respond immediately to verbal requests for records without the need for completion of a written request, entry into a request log, or a written response by the City when all of the following conditions exist:

- The records requested are easily accessible to staff ;
- The requested records do not contain lists of individuals;

- The requestor is seeking only inspection of the record and no copies are provided by the City;
- Staff can fulfill the request without referring it to Records Liaisons or the Public Records Officer; and
- The request is not for records that are subject to withholding or redaction due to disclosure exemptions or confidentiality considerations.

When a request is received in writing and the requested records are provided to the requestor in person at the time of the request, a separate written response by staff is not required. In such cases, a notation shall be made on or attached to the request listing the records produced, the number of copies made, the fees charged, if any, the name of the staff person providing the record, and the date of fulfillment.

4.10 Internal Review Prior to Public Inspection

Questions of Exemption

Record holders and/or departments are responsible for identifying potential exempt records or records that contain potentially exempt information. When doubt arises as to whether records or portions of records subject to a request are exempt from disclosure, the Records Liaison shall consult the Public Records Officer and City Attorney, who may inspect the subject records before authorizing the disclosure. Records Liaisons or record holders will be responsible for redacting exempt information from departmental records.

Questions of Overly Broad Requests

If staff isn't able to identify with confidence, the records sought by a requestor, or when a request appears to be overly broad and unsuccessful attempts have been made to obtain clarification from the requestor, staff shall consult with the Public Records Officer who shall review the request and provide direction to staff regarding its fulfillment. Staff may also consult with the City Attorney on such requests and shall do so in the absence of the Public Records Officer.

4.11 Forms of Response

Final responses shall either include copies of the requested records or provide direction to the requestor to arrange for inspection of the records (if wanted by the requestor). When the City is not able to provide requested records within five (5) business days, the Public Records Officer shall provide a written updated estimate to the requestor at the earliest possible opportunity.

Inspection of Responsive Records

Requestors may choose to inspect requested records prior to City staff making copies and should be encouraged to do so, especially when the volume of records is large. Inspection prior to copying may serve to narrow the scope of the request and can be useful for identifying and providing the appropriate responsive records to requestors. Requestors may make arrangements with the Public Records Officer to inspect records on City premises during normal business hours at a mutually convenient time. Staff shall make every effort to accommodate reasonable requests for appointment times while ensuring the security of public records during inspection.

The Records Liaison fulfilling the request shall provide for the security of records during inspection, which shall be supervised by City staff as deemed appropriate. Requestors shall return all records inspected to the Records Liaison in the condition and order they were provided. Records shall not be altered in any way, rearranged, or removed from folders or removed from City premises during inspection. A requestor may flag selected pages for copying but shall not alter the original record.

The City reserves the right to make copies of records for inspection rather than provide the original records for inspection. The requestor will not be responsible for copy costs if the requestor only inspects records.

Electronic Copies

Records available in electronic form that do not require redaction may be provided to a requestor in their native format unless the requestor specifically asks that they be provided in paper or other form. When requested and deemed feasible, electronic records may be converted from one format to another provided such conversion is not unduly burdensome to staff.

Installments

If appropriate, records requests may be fulfilled in partial installments to provide the fullest assistance to requestors. Installments are subject to the same deadlines for claiming and inspecting records described in this section. **If an installment is not claimed, or if arrangements for inspection of an installment are not made prior to 30 calendar days from notification of availability, the City may discontinue compiling subsequent installments of the same disclosure request.** The Public Records Officer may attempt to contact the requestor prior to deeming an installment request abandoned, but is not required to make such contact when a requestor has been previously warned of this consequence.

Requestor Responsibility

Requestors shall arrange to inspect records or claim copies of requested records within 30 calendar days following notification by the City that responsive records are available for inspection or copying. The 30 calendar days begins on the business day immediately following the City's notice that the records are available and includes weekends and City holidays. The Public Records Officer may extend this time period as appropriate to ensure fullest assistance to requestors. Requestors must respond to requests for clarification within 30 calendar days of being contacted or a request will be deemed abandoned and closed.

If a requestor fails to claim or arrange for inspection of requested records after the expiration of the 30 calendar days, the request shall be deemed abandoned and closed.

Prior to closing the request, the Public Records Officer may attempt to confirm whether the requestor still wants the requested records, but is not required to do so.

Multiple Requests by Same Party

When the same requestor simultaneously submits multiple, separate requests or makes one or more additional requests when previous requests are open, staff may queue the requests in the order in which they were received. Staff is not required to work on an additional request until

the initial requests are completed and closed. Requestors are responsible for informing the Public Records Officer if they want to reprioritize the fulfillment of their requests.

4.12 Exemption from Disclosure

Withholding or Redaction of Records

Requested records may be subject to exemption from disclosure under the Public Records Act or other statutes. Exempt records shall be withheld or redacted, when necessary, consistent with statutory requirements and the withholding or redaction shall be documented for the requestor in accordance with the requirements of RCW 42.56.210 and this policy and procedure.

The presence of exempt content does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted, when necessary, prior to inspection or copying.

Prior to withholding exempt records or redacting portions of records, the Records Liaison shall consult with the Public Records Officer and City Attorney. Departments may adopt standard procedures for withholding or redacting portions of commonly requested exempt records.

When requested records are redacted, the Records Liaison shall keep a copy of the redacted records for the request file. A listing only of the redacted records provided to the requestor is not sufficient in accordance with the provisions of the official Washington State records retention schedules.

Exemption Log

When records are withheld or redacted, the requestor shall be informed in writing of the reason and be provided the statutory citation supporting the exemption. An exemption log shall be prepared for the requestor listing the information withheld and the statutory basis for each redaction or record withheld. Individual occurrences of the same redaction may be listed generally in the exemption log. For example, an exemption log need not list separately every occurrence of the redaction of an individual's social security number, but may list once that the number has been redacted throughout the record.

Administrative Review of Denial

A requestor may ask for review of a decision to withhold or redact exempt records by submitting a written petition to the Public Records Officer that includes a copy of or detailed description of the City's statement of withholding. The request for review and any relevant information shall be forwarded immediately to the City Attorney, who shall consider the petition and either reverse or affirm the denial within two days of the City's receipt of the petition. The City and the requestor may mutually agree to a longer period of time for consideration of a petition for review. If the withholding or redaction is affirmed, the decision shall be considered the City's final action for the purposes of judicial review. If the decision to withhold or redact is reversed, the Public Records Officer shall make the subject records available to the requestor for inspection in accordance with the provisions of this policy and procedure.

4.13 Requests Logs and Retention

Requests Log

The Public Records Officer shall maintain a log of all requests and associated documents.

Records Liaisons shall maintain logs of public records requests received for their departments that shall include at a minimum:

- The request tracking number from the Public Records Officer;
- Name and convenient contact information for the requestor;
- Dates of receipt;
- Due date of request;
- A brief description of the requested records;
- Search efforts performed to acquire records;
- Description of any clarifications of the request; and
- A dated notation of the closure of the request.

Requests logs are a public record subject to disclosure and retention in accordance with the requirements of the official Washington State records retention schedules and this policy and procedure. On a quarterly basis, Records Liaisons shall provide tracking reports to the Public Records Officer.

Retention

Public records requests and associated logs are considered a public record subject to disclosure and retention in accordance with the requirements of the Washington State Local Government Common Records Retention Schedule.

Section 5:

5.0 Fees

Fees for the provision of responsive records totaling more than ten (10) pages will be based on cost in accordance with RCW 42.56.120. A current fee schedule is available on the City's website ([link](#)) and posted in the City Clerk's Office. The fee schedule will be maintained by the City Clerk and updated administratively as costs change.

There is no charge for inspection of records. Fees will be waived if a request is made by a State or local agency. Fees will be waived when the number of responsive records totals fewer than ten (10) pages of records or ten emails that do not contain attachments. Such costs will not be

waived, however, when it appears that the request has been tailored to take advantage of this waiver. The City reserves the right to use an outside vendor for large-scale requests and odd-sized or larger color copies, and to charge the requestor for those costs.

Copy charges may be remitted by cash, check, money order, MasterCard, or Visa payment. The City Clerk's office shall provide for collection of copy fees if a department is not able to do so. A deposit of up to ten percent of the estimated total cost may be required for large requests before records are copied. When requested records are provided on an installment basis, fees shall be collected for copies prior to provision of the next installment. Failure to pay for an installment shall place compilation of subsequent installments on hold.

If payment arrangements are not made within 30 calendar days of notice that records are available, the entire request may be deemed abandoned and closed. A reasonable attempt shall be made by the Public Records Officer to contact the requestor prior to deeming a request abandoned and closed.

Section 6:

6.0 References

Chapter 42.56 RCW

Chapter 40.14 RCW

Chapter 82.12 RCW

Chapter 44-14 WAC

Chapter 434-615 WAC

Washington State Local Government Common Records Retention Schedule

Section 7:

7.0 General duty.

It is expressly the purpose of this policy to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this policy. It is the specific intent of this policy that no provision nor any term used in this policy is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this policy is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this policy by its officers, employees or agents.

Section 8:

8.0 Corrections.

The City Clerk is are authorized to make necessary corrections to this policy including, but not limited to, the correction of scrivener's/clerical errors, references, numbering, section/subsection numbers and any references thereto.

PASSED and APPROVED this _____ day of _____, 2016

COUNCILMEMBER INTRODUCING RESOLUTION

COUNCIL PRESIDENT

Fee Schedule for Public Records

Type of Record	Fee
Inspection	No charge
10 pages/e-mails or fewer (no attachments)	No charge
8 ½ x 11 standard pages (11 pages and more)	\$0.15 per page
11 x 17 black and white	\$0.25 per page
8 ½ by 11 color	\$0.25 per page
Uploads (in minutes)	\$0.40 per upload minute
Scanned pages	\$0.10 per page
CD or DVD	\$0.30 per CD or DVD plus scanning or uploading costs
Mailed	Cost of mailing supplies and postage plus copying charges/ media charges (see above)
Large-scale/odd-sized/large color copies	Actual cost from outside vendor
USB flash drives or other media	Actual cost of product plus scanning or uploading costs

*Fees will be waived if a request is made by a State or local agency. The City reserves the right to use an outside vendor for large-scale requests and odd-sized or larger color copies, or additional products such as USB flash drives, and to charge the requestor for those costs.